

FILED

IN THE UNITED STATES DISTRICT COURT,  
FOR THE DISTRICT OF TEXAS, AUSTIN DIVISION

2013 JUL 12 PM 12:35

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY 

michael haendel,

*Plaintiff,*

v.

M. DIGIANTONIO,

THOMAS EATON,

*Defendants.*

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Case No. 1:13-cv-00007-SS

**PLAINTIFF PETITION FOR MOTIONS HEARING, REFERENCING DOCUMENT 28**

The record does not reflect Plaintiff served copy containing list of potential witnesses from Defendants, specifying testifying experts, and proposed exhibits by June 27, 2013 and July 10, 2013, see Case 1:13-cv-00007-SS Document 28 Filed March 26, 2013,

*"5. Any party asserting claims for affirmative relief shall disclose its designation of potential witnesses, testifying experts, and proposed exhibits by serving, not filing, the designation on all parties by June 27 2013. Any party resisting claims for relief shall disclose its potential witnesses, testifying experts, and proposed exhibits by serving, not filing, the disclosure on all parties by July 10, 2013. All designations of rebuttal experts shall be filed within fifteen (15) days of receipt of the report of the opposing expert. Any witness who will present any opinion in trial is considered an expert, and the disclosure must contain a written summary of the witness's testimony in an expert report. The Fed. R. Civ. P. 26 standard is not applicable to this paragraph; it does not make any difference whether or not the expert witness is a "retained expert," as any opinion or testimony of any expert not contained in the summary will not be permitted at trial."*

Plaintiff moves Court to compel Defendants and Defendant's Representatives comply with Document 28, Order (5).

The record does not reflect Plaintiff served copy containing list of potential time periods and dates to mediate with Defendants, see Case 1:13-cv-00007-SS Document 28 Filed March 26, 2013,

*1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by May 27, 2013.*

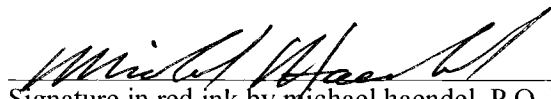
Plaintiff has provided to Court and Defendants, available mediation time periods with Defendants, however record does not reflect time periods when Defendants are willing to mediate with Plaintiff. Fed. R. Civ P. 12, Plaintiff moves Court to provide list of potential time periods Court could schedule Motions Hearing, provided list of potential time periods to Defendants and Plaintiff. Plaintiff further moves Court at proposed Motions Hearing, to produce order specifying time and date and place of meditation between Plaintiff and Defendants, and order specifying "*its designation of potential witnesses, testifying experts, and proposed exhibits*". Plaintiff request available time periods occur during morning hours of day.

Plaintiff moves Court to compel Defendants and Defendant's Representatives comply with Document 28, Order (1).

### **PRAYER AND REMEDY**

Fed R. Civ. P. 12, Plaintiff moves Court Provides list of times and dates when Motions Hearing can be scheduled with Court. Plaintiff requests Court to provide list of available time periods during morning hours of day. Plaintiff further petition court removal of pending charges against Plaintiff, expunction of criminal and mental health record created in fraud, compensation physical damages to plaintiff's hands, arms, and potentially neck, compensation, incarceration, compensation lost and reduced earning potential, compensation medical, legal, expenses, compensation reduced quality of life. For these reasons, plaintiff asks for judgment against defendants, additionally stipulated in prayer, **"PLAINTIFF'S ORIGINAL COMPLAINT"**, Court provided assistance of legal counsel, Further, I, michael haendel, man, not corporation, Plaintiff, Prosecutor, and indigent, request a waiver of any costs for mediation,

Respectfully submitted,



Signature in red ink by michael haendel, P.O. Box 300952, Austin, Texas 78703, (321) 262-8582,

*Further the Affiant saith not.*

**AFFIDAVIT OF michael haendel**

STATE OF TEXAS §

TRAVIS COUNTY §

Before me, the undersigned notary, on this day personally appeared michael haendel, man, affiant, whose identity is known to me. After I administered an oath to affiant, affiant testified:

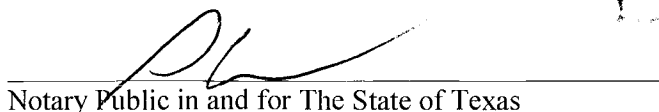
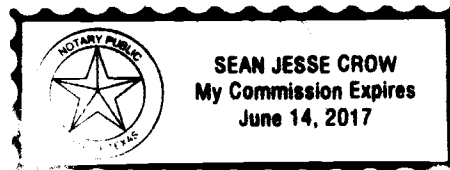
“My name is michael haendel. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.”

I, michael haendel, certify that the amount of claim covers only damages and injuries by the incident above and agree to accept said amount in full satisfaction and final settlement of this claim.



Signature in red ink by michael haendel, P.O. Box 300952, Austin, Texas 78703, (321) 262-8582,

SWORN TO and SUBSCRIBED before me by michael haendel on July 8, 2013.



Notary Public in and for The State of Texas

**CERTIFICATE OF SERVICE: michael haendel,**

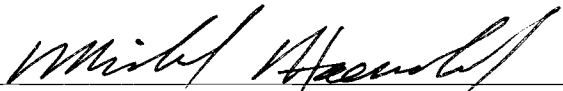
I, michael haendel, do hereby certify that I have submitted a true and correct copy of the above and foregoing, on the 12 day of the month of July, year 2013, I certify that original and copy of **PLAINTIFF PETITION FOR MOTIONS HEARING, REFERENCING DOCUMENT 28** complies with Fed. R. Civ. P. 12(b)(1), and Fed. R. Civ P. 12(b)(6), was personally hand filed, in:

**a.,**

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION,  
UNITED STATES DISTRICT CLERK'S OFFICE,  
501 West Fifth Street, Suite 1100, Austin, Texas 78701,

**b.,**

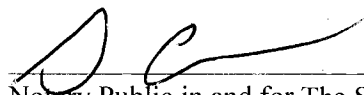
ELAINE A. CASAS, JENNIFER KRABER,  
COUNTY OF TRAVIS CLERK'S OFFICE, COUNTY OF TRAVIS ATTORNEY,  
CIVIL LITIGATION DIVISION,  
314 West 11th Street, Suite 420, Austin, Texas 78701,  
or clerk at front desk, and,



Signature in red ink by michael haendel, P.O. Box 300952, Austin, Texas 78703, (321) 262-8582,

SWORN TO and SUBSCRIBED before me by michael haendel,

on the 12 day of the month of July, year 2013,



Notary Public in and for The State of Texas

